

REMARKS

Claims 1 and 2 are pending in the application. Claims 1 and 2 have been revised to clarify the features of the present invention without altering the scope of the claims.

Support for these revisions may be found throughout the application as filed. For example, specification support for recitation of “separated from the carcass” may be found at least at page 16 and 16-1 of the specification as originally filed. Specification support for recitation of “cutting the epidermis to fit on the head of a probe” may be found at page 23, lines 1-2, of the specification as originally filed. The revisions currently presented have been made without prejudice and without acquiescing to any rejection of record.

No new matter has been introduced, and entry of the above revised claims is respectfully requested.

Alleged Rejection Under 35 U.S.C. § 112

Claims 1 and 2 stand rejected as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention. In particular, the Examiner alleges that recitation of “aromatics” and “required sizes”, and, in respect of applying heat and cold air “in turn”, and in respect of generating static electricity “turning” the epidermis is unclear. Applicants have reviewed the rejection of record and respectfully traverse.

Applicants submit that the description in the specification and the revisions to the claims are sufficient to overcome the grounds of this rejection. In this regard, Applicants have revised claim 1 and 2 to recite “aromatic oil” in place of “aromatics”; deleted recitation of “required sizes” and “in turn”, have replaced recitation of “turning” with “rotating”, and have revised “cutting the epidermis into required sizes” with recitation of “cutting the epidermis to fit on the head of a probe”.

Applicants submit that one of ordinary skill in the relevant art would appreciate that aromatics used according to the instant invention are consistent with an aromatic oil or fragrances. Applicants submit that recitation of “in turn” meant that heat of about 40°C and cold air of about -25°C were applied one after the other, and, is consistent with the current revision of claim 1 to recite “then”. Applicants have revised claim 1 and 2 to recite “rotating” in place of “turning” in order to more clearly set forth the currently claimed invention. Applicants submit

that the instant specification supports revision of the current claims to recite “cutting the epidermis to fit on the head of a probe” at page 23, lines 1-2. The revision of claim 2 to recite “wherein said bio-material is capable of detecting an electromagnetic signal” is consistent with specification support found at least at page 16 lines 17-18 of the instant application as originally filed.

In addition, Applicants have revised claim 1 to read “separated from the carcass” and replaced recitation of “animal” with “organism” in order to more clearly set forth the currently claimed invention and retain antecedent basis for subsequent use of the word organism, respectively. Specification support for “separated from the carcass” may be found at, for example, page 17, line 23, of the instant application as filed. These revisions have been introduced without acquiescing to the basis of any rejection of record or prejudice to presenting subject matter of the claims in their previous form in a subsequently filed application.

Thus, in light of the above revisions, Applicants respectfully submit that the grounds for this rejection are moot, and may be reconsidered and properly withdrawn.

Alleged Rejection under 35 U.S.C. § 103

Claims 1 and 2 stand rejected as allegedly unpatentable over Maue et al. (U.S. Patent No. 4,762,522). Applicants have carefully reviewed the statement of rejection as well as the cited document and respectfully traverse because there is no case of obviousness against the pending claims. The Examiner suggests that the ‘522 patent reports the removal of epidermal tissue from carcasses, soaking of the epidermal tissue in a dichromate solution known in the art to include an acid, salt and water, washing the epidermal tissue, drying the epidermal tissue, exposing the epidermal tissue to ultraviolet light, and oiling the epidermal tissue. The Examiner acknowledges that ‘522 does not teach the cutting of epidermal tissues from fish, fowl or tortoises into required sizes, however, the Examiner alleges that it would have been obvious to one of ordinary skill in the art to (i) obtain epidermal tissue from fish, fowl or tortoises and (ii) to cut the tissues into required sizes because such a method is known in the art for obtaining skin/epidermis/hides from animals such as cattle, chickens and etc. for the purpose of tanning. Applicants respectfully submit that the solid bio-material of the present invention consists of epidermal tissues isolated from fish, fowl and tortoise, however, in contrast, the hide reported in

the cited document is distinct therefrom in that it is obtained from cow and lamb and consequently the bio-materials obtained are also different or otherwise non-analogous.

In addition, Applicants submit that one of ordinary skill would not consider the cited document in respect of a solid bio-material comprising epidermal tissues of the present invention because the cited document reports the particularly unrelated and significantly different steps of beaming, liming, bating and tanning, and, actually teaches away from the currently claimed invention embodying the use a solid bio-material comprising epidermal tissue for the detection of an electromagnetic signal because, based upon the teachings of the cited document at, for example, column 2, lines 12-20, the epidermis layer is removed by treatment with a liming solution (containing calcium oxide and calcium hydroxide) that one of skill in the relevant art would understand will destroy an epidermis. The product prepared by Maue is devoid of an epidermis. Thus, Applicants submit that Maue could not render the instant claims obvious because one of ordinary skill in the relevant art would derive no teaching from Maue to arrive at the currently claimed invention with a reasonable (predictable) expectation of similar outcome or effectiveness.

Further, Applicants point out that the cited document is directed to the significantly distinct field of leather processing for the production of leather products which is unrelated to the current invention embodied as a solid bio-material comprising epidermal tissues prepared from fish, fowl, or tortoise for the detection of an electromagnetic signal. One of ordinary skill in the relevant art would appreciate that preparing cow and lamb hides is distinct from the preparation of epidermal tissues of the instant invention which are for use in the detection of electromagnetic signals that require the epidermis to remain intact, and which would certainly not be used in the production of leather products. Thus, it is submitted that the cited document is not an appropriate reference with regard to the field to which the current invention pertains and its applications.

Accordingly, Applicants respectfully submit that the grounds for this rejection are misplaced and may be properly withdrawn.

Conclusion

It is believed that the instant application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR §§1.16 and 1.17 that are not covered, in whole or in part, by a credit card payment enclosed herewith and to credit any overpayment to said Deposit Account No. 502486.

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Respectfully submitted,

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